

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

Present: Shri Pravakar Mishra, OSJS (S.B),
Judge, Family Court, Bhubaneswar.

Civil Proceeding No. 345 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Sri Parthasarathi Rana, aged about 30 years,
S/o- Sri Sanatan Rana,
Plot No. 18, Shanti Vihar,
Near Trinath Bazar, Ruchika Market,
P.O.-Baramunda, P.S.-Khandagiri,
Bhubaneswar-751003, Dist-Khurda. Petitioner No. 1
2. Mrs. Sumika Rana, aged about 29 years,
W/o- Parthasarathi Rana,
At-Plot No.-770, Jharapada,
P.O.-Bhdheswari, P.S.-Laxmisagar,
Bhubaneswar-751006,
Dist-Khurda. Petitioner No. 2

Date of argument : 30.06.2014

Date of judgment : 30.06.2014

J U D G M E N T

The petitioners have filed this application Under Section 13(B) of the Hindu Marriage Act, 1955 for divorce by mutual consent.

2. The case of the petitioners in brief is that their marriage was solemnized as per Hindu customs and tradition on 29.11.2009 and consummated in the house of the petitioner No. 1. After the marriage both the petitioners had been to Noida, to the working place of the petitioner No. 1. After few months of their marriage, differences arose between them which could not be resolved and as such they have been living separately since 04.05.2011. They

led happy conjugal life till 04.05.2011. Therefore, they have been living separately since last three years. No child is born out of the wedlock of the petitioners. The petition was filed ten months back i.e. 12.07.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. As chance of reunion was remote they decided to dissolve the marriage by mutual consent. According to them, their consent has not been obtained by exercising fear, force, fraud, coercion or undue influence.

3. Both the petitioners were examined on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 29.11.2009 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 04.05.2011. Although their friends and relatives tried their best to reunite them, reconciliation was not possible. Petitioner No. 1 has stated that as per the condition, he has already paid Rs. 3,00,000/- through banker cheque bearing No. 675537 dated 27.06.2014 payable at S.B.I., OUAT, Campus, Branch to petitioner No. 2 towards gift received by him at the time of marriage to which petitioner No. 2 has admitted that she has received the same. As chance of reunion was remote and having no other alternative both of them decided to dissolve the marriage by mutual consent. According to them, their consent has not been obtained by exercising duress, fear and favour.

4. Petitioner No. 2-wife in her evidence has stated that she has received Rs. 3,00,000/- (Rupees three lakhs) towards her permanent alimony from petitioner No.1. In view of above admission by the petitioner No. 2, she is not entitled to get any

further alimony from petitioner No.1. The petition has been filed more than six months back i.e. on 12.07.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 04.05.2011 and they have not been able to live together and they have mutually agreed that their marriage should be dissolved. The Court should not stand bar to their future life. The petition of the petitioners succeeds. Hence, it is ordered;

O R D E R

The petition for divorce by mutual consent is allowed. The decree of divorce by mutual consent is hereby passed and the marriage between petitioner No. 1 and petitioner No. 2 is declared dissolved with effect from the date of decree.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the
30th day of June, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.-1 Sri Parthasarathi Rana.

P.W.-2 Mrs. Sumika Rana.

List of documents admitted for the petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.